

REMARKS

In response to the Office Action dated January 17, 2007, Applicants respectfully request reconsideration.

Claim objections

Claims 5-28 stand objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. Claims 5-28 have been amended to remove the multiple dependencies.

Applicants assert that claims 5-28 comply with 37 C.F.R. § 1.75(c).

35 U.S.C. § 103 rejections

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,180,771 (Guckel) in view of U.S. Patent No. 4,020,830 (Johnson).

Guckel in view of Johnson does not teach, disclose, suggest, or make obvious a method, as recited in claim 1, that includes a first electrode that is electrically insulated from a specimen. The Examiner cites Guckel as showing a first electrode 18 at a specimen, which is insulated from the specimen via a gate insulator 6. Guckel discusses an insulated-gate field effect transistor which is adapted for detecting and measuring various chemical properties. Abstract. Guckel employs a chemically sensitive layer 22 that is used in conjunction with source, drain, and gate layers 14, 26, and 18, and a contact 42. *See* Abstract, col. 4, ll. 1-59. The chemically sensitive layer 22 and the contact 42 are in contact with a test substance (i.e., an ionic solution 32). The source, drain, and gate layers 14, 26, and 42, however, are in electrical communication with the test substance as well. For example, figure 1 of Guckel shows the gate 18 in electrical communication with the test substance via a conductor 48, a current meter 52, a potential source 58, and the contact 42. In contrast, however, claim 1 recites arranging a first electrode at a specimen, wherein the first electrode is electrically insulated from the specimen by a cover layer, and wherein the first electrode is arranged on a first side of a electrically insulating substrate between the substrate and the cover layer. Thus, for at least these reasons, claim 1 is patentable over the Guckel in view of Johnson.

Dependent claims 2-3, which depend from independent claim 1, are patentable for at least the same reasons discussed above with respect to independent claim 1.

Claim 4, which depends from independent claim 1, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Guckel in view of Johnson, in further view of Janata. The Examiner identified Janata as U.S. Pat No. "43976714." Applicants will assume that Examiner intended to identify U.S. Pat. No. 4,397,714. If Applicants have assumed incorrectly, Applicants hereby request that the period to reply to the office Action dated 1/17/07 be restarted under M.P.E.P. § 710.06. The Examiner does not assert that Janata makes up for the deficiencies noted above with respect to independent claim 1 from which dependent claim 4 depends. Thus, dependent claim 4 is patentable for at least the same reasons discussed above with respect to independent claim 1.

Additional claims

Claims 29-32 have been added. Applicants assert that no new matter has been introduced by claims 29-32. Applicants assert that claims 29-32 are patentable, and a notice to that effect is respectfully requested.

Conclusion

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with Applicant's representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 24334-001. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Jason Mirabito", written over a horizontal line.

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